



## UNITED STATES DEPARTMENT OF COMMERCE

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/545,110			

EXAMINER	
ART UNIT	PAPER NUMBER
	8

DATE MAILED:

## EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

(1) Marianne L. Padgett (3)(2) Reece Nienstadt (4)Date of interview 5/16/03Type:  Telephonic  Personal (copy is given to  applicant  applicant's representative).Exhibit shown or demonstration conducted:  Yes  No. If yes, brief description:Agreement:  was reached with respect to some or all of the claims in question.  was not reached.Claims discussed: Those of record, particularly 79 + 78Identification of prior art discussed: NADescription of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed the 5/9/03 FAXed proposal, (specification)

and remarks, especially noting p.11, lines 25-30 + Fig. 2 provide definition and illustration of dynamic variance, providing support for the 4/17/03 after final amendments (paper #6). Dependant claim 79 has options for the apparatus to calculate or stored values of dynamic variance, so the proposed claim 78 appears to have a limitation for a controller with the ability to calculate it is not a new issue, but the other independent claims where this limitation is added it would be a new issue, as would how the dynamic variance is calculated from intensity maxima & minima, as opposed to merely receiving a signal, where the amplitude has a dynamic (i.e., changing) variance, as was examined in claim 1. It

Unless the paragraphs below have been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview. It was also noted that the amendment with explanation and support for the calculating limitation is promising for over coming the art rejections, but requires further search and review of prior art in view of explanations.

It is not necessary for applicant to provide a separate record of the substance of the interview.  
 Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action.

MARIANNE PADGETT  
PRIMARY EXAMINER

Examiner's Signature

**TECHNOLOGY CENTER 1700**  
**COVER SHEET**

DATE: *5/16/03* APPL. NO. *09/545,110*

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MESSAGE:

*Interview Summary*

NUMBER OF PAGES INCLUDING THIS ONE: 2

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